

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**OMAHA CONSTRUCTION INDUSTRY)
PENSION PLAN, Board of Trustees,)
and NORTH CENTRAL STATES)
REGIONAL COUNCIL OF CARPENTERS,)**

Plaintiffs,

8:12CV85

VS.

ORDER

BN SERVICE, INC.,

Defendant.

This matter is before the court *sua sponte*, pursuant to [NECivR 41.2](#), which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.” On July 26, 2012, a clerk’s entry of default was entered against the defendant. **See** [Filing No. 15](#). The defendant failed to enter an appearance or seek the clerk’s entry of default be set aside. Further, the plaintiffs failed to take any additional action against the defendant.

In any event, it remains the plaintiffs' duty to go forward in prosecuting the case by, for example, filing a motion for entry of judgment against the defendant, pursuant to [Fed. R. Civ. P. 55\(b\)](#) and [NECivR 55.1\(b\)](#) or (c). Alternatively, the plaintiffs may voluntarily dismiss the action against the defendant pursuant to [Fed. R. Civ. P. 41\(a\)](#) or be subject to involuntary dismissal pursuant to [Fed. R. Civ. P. 41\(b\)](#). Upon consideration,

IT IS ORDERED:

The plaintiffs shall take appropriate action against the defendant or show cause why this case should not be dismissed for failure to prosecute on or before the close of business **September 10, 2012**.

DATED this 27th day of August, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge